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MAY 13 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 1647

Examiner: B. Bunner

Washington, D.C.

Atty.'s Docket: EIS-SCHWARTZ=18

Date: May 13, 2002

In Re Application of: EISENBACH-SCHWARTZ

Application No.: 09/765,301

Filed: January 22, 2001

For: USE OF COPOLYMER 1 AND RELATED PEPTIDES AND POLYPEPTIDES AND ...

Conf. No. 8567

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

Transmitted herewith is a [X] Amendment [ ]  
in the above-identified application.

[XX] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[ ] No additional fee is required.

[ ] The fee has been calculated as shown below:

|   | (Col. 1)                                  |       | (Col. 2)                              | (Col. 3)                   |
|---|---|-------|---------------------------------------|----------------------------|
|   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |       | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA<br>EQUALS |
| TOTAL                                     | * 46                                      | MINUS | ** 42                                 | 4                          |
| INDEP.                                    | * 3                                       | MINUS | *** 3                                 | 0                          |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |   |       |                                       |                            |

| SMALL ENTITY         |  |                   |
|----------------------|--|-------------------|
| RATE                 |  | ADDITIONAL<br>FEE |
| x 9                  |  | \$ 36.00          |
| x 42                 |  | \$                |
| + 140                |  | \$                |
| ADDITIONAL FEE TOTAL |  | \$ 36.00          |

| OTHER THAN SMALL ENTITY |  |                   |
|-------------------------|--|-------------------|
| RATE                    |  | ADDITIONAL<br>FEE |
| x 18                    |  | \$                |
| x 84                    |  | \$                |
| + 280                   |  | \$                |
| TOTAL                   |  | \$                |

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.
- The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time  
 If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

#### Small Entity Response Filed Within

- [XX] First - \$ 55.00  
 [ ] Second - \$ 200.00  
 [ ] Third - \$ 460.00  
 [ ] Fourth - \$ 720.00

Month After Time Period Set

#### Other Than Small Entity Response Filed Within

- [ ] First - \$ 110.00  
 [ ] Second - \$ 400.00  
 [ ] Third - \$ 920.00  
 [ ] Fourth - \$ 1440.00

Month After Time Period Set

[ ] Less fees (\$ ) already paid for month(s) extension of time on

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ 91.00.

[XX] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 91.00.

[ ] A check in the amount of \$ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.  
 Attorneys for Applicant(s)

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05/14/2002 ZJW:R1 00000053 09765301  
 36 0 00  
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 01 FC:203  
 02 FC:215

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05/16/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: EIS-SCHWARTZ=18

|                             |   |                     |
|-----------------------------|---|---------------------|
| In re Application of:       | ) | Conf. No.: 8567     |
|                             | ) |                     |
| M. EISENBACH-SCHWARTZ et al | ) | Art Unit: 1647      |
|                             | ) |                     |
| Appln. No.: 09/765,301      | ) | Examiner: B. Bunner |
|                             | ) |                     |
| Filed: January 22, 2001     | ) | Washington, D.C.    |
|                             | ) |                     |
| For: USE OF COPOLYMER 1 AND | ) | May 13, 2002        |
| RELATED PEPTIDES AND        | ) |                     |
| POLYPEPTIDES FOR            | ) |                     |
| PROTECTING CENTRAL          | ) |                     |
| NERVOUS SYSTEM CELLS FROM   | ) |                     |
| GLUTAMATE TOXICITY          | ) |                     |
| (Amended)                   | ) |                     |

AMENDMENT

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action of March 11, 2002, -  
petition for a one-month extension of time and payment being  
attached hereto, please amend as follows:

IN THE TITLE

Please amend the title to read as follows:

--USE OF COPOLYMER 1 AND RELATED PEPTIDES AND POLYPEPTIDES FOR  
PROTECTING CENTRAL NERVOUS SYSTEM CELLS FROM GLUTAMATE  
TOXICITY--

05/14/2002 ZJHWR1 00000053 09765301

01 FC:203  
02 FC:215

36.00 OP  
55.00 OP